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YVONNE GAIDE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

YVONNE GAIDE,

Defendant.

No. 2:22-CR-0095-TLN

**STIPULATED MOTION AND ORDER TO  
REDUCE SENTENCE PURSUANT TO 18  
U.S.C. § 3582(c)(2)**

RETROACTIVE CRIMINAL HISTORY  
REDUCTION CASE

Judge: The Honorable TROY L. NUNLEY

Defendant, YVONNE GAIDE, by and through her attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Shelley D. Weger, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), after taking into account the policy statements set forth in USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable;

2. The United States Sentencing Commission recently amended the Sentencing Guidelines to include what now appears in USSG § 4C1.1 (“zero-point provision”). *See* Amendment 821, Part B, Subpart 1. The zero-point provision provides a 2-offense-level

reduction for certain offenders who present zero criminal history points and satisfy the criteria listed in USSG § 4C1.1(a). The United States Sentencing Commission made the zero-point provision retroactive beginning February 1, 2024. *See* USSG § 1B1.10(e)(2) (Nov. 1, 2023); 88 Fed. Reg. 60534;

3. On April 20, 2023, this Court sentenced Ms. Gaide to a term of 12 months and 1 day imprisonment;

4. Ms. Gaide's total offense level was 20, her criminal history category was I (having no criminal history points), and the resulting guideline range was 33 to 41 months;

5. The sentencing range applicable to Ms. Gaide was subsequently lowered by the zero-point provision;

6. Ms. Gaide is eligible for a reduction in sentence, which reduces her total offense level by 2 from 20 to 18, resulting in an amended advisory guideline range of 27 to 33 months;

7. When the defendant's original sentence was below the applicable guideline range, the court may, in accordance with the exception set forth in USSG § 1B1.10(b)(2)(B), grant a comparable reduction below the amended guideline range;

8. Accordingly, the parties request the Court enter the order lodged herewith reducing Ms. Gaide's term of imprisonment to 10 months, effective February 1, 2024, but if the amount of time served as of February 1, 2024 exceeds 10 months, the sentence is instead reduced to a sentence of time-served as of February 1, 2024.

Respectfully submitted,

Dated: January 23, 2024

Dated: January 23, 2024

PHILLIP A. TALBERT  
United States Attorney

HEATHER E. WILLIAMS  
Federal Defender

/s/ Shelley D. Weger  
SHELLEY D. WEGER  
Assistant U.S. Attorney

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender

Attorney for Plaintiff  
UNITED STATES OF AMERICA

Attorney for Defendant  
YVONNE GAIDE

**ORDER**

This matter came before the Court on the stipulated motion of the parties for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

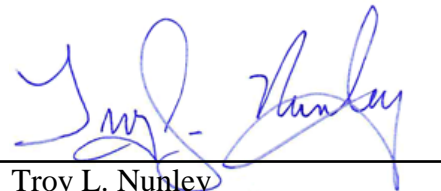
The parties agree, and the Court finds, that Ms. Gaide is entitled to the benefit of Amendment 821, Part B, Subpart 1, the new zero-point provision, which reduces the total offense level from 20 to 18, resulting in an amended guideline range of 27 to 33 months.

IT IS HEREBY ORDERED that, pursuant to USSG § 1B1.10(b)(2)(B), the term of imprisonment imposed in April 2023 is reduced to a term of 10 months, effective February 1, 2024, but if the amount of time served as of February 1, 2024 exceeds 10 months, the sentence is instead reduced to a sentence of time-served as of February 1, 2024.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Ms. Gaide shall report to the United States Probation Office within seventy-two hours after her release.

Dated: January 24, 2024



Troy L. Nunley  
United States District Judge